

REMARKS

No new matter has been added. Claims 1, 20, and 21 remain in the application. Reconsideration and reexamination is respectfully requested.

In paper 15, claim 20 was rejected under 35 U.S.C. § 102(b) as unpatentable over U.S. Patent Number 4,623,937 (Watanabe). Applicant respectfully traverses.

Claim 20 specifies two parallel surfaces, a lens array between the two surfaces; and a reflecting surface, that can be oriented to a first position, at which light is directed from the first surface through the lens array, and that can be oriented to a second position, at which light is directed from the second surface through the lens array. Watanabe does not teach or suggest a reflecting surface, that can be oriented to a first position, at which light is directed from the first surface through the lens array, and that can be oriented to a second position, at which light is directed from the second surface through the lens array.

In paper 15, paragraph 3, the examiner asserts with no citation to Watanabe that the mirror can be reoriented to various positions. First, Watanabe does not teach or suggest "various positions". Second, the claim specifies more than just various positions. No *prima facie* case for anticipation has been established.

In paper 15, paragraph 8, the examiner cites *In Re Hutchison* as a case that holds that phrases such as "can be" do not constitute a limitation in any patentable sense. The cited case is obsolete. MPEP 2173.05(g), citing several more current cases, states that functional language does not, in and of itself, render a claim improper, and that a functional limitation must be considered, just like any other limitation of the claim, for what it fairly conveys to a person of ordinary skill in the pertinent art in the context in which it is used. In particular, note an acceptable use of "capable of" at the end of MPEP 2173.05(g). The claim specifies two positions with a specific separate light path for each position, which in accordance with MPEP 2173.05(g) must be considered. Furthermore, in order to remove this as an issue from at least some claims, new claims 22 and 23 have been submitted, in which the phrase "can be" has been eliminated.

In paper 15, paragraph 4, claim 20 was rejected under 35 U.S.C. § 102(b) as unpatentable over Japanese Patent Number JP2001024847 (Kazuyuki *et al.*). Applicant respectfully traverses.

Applicant's remarks in conjunction with Watanabe above apply equally to Kazuyuki *et al.* Furthermore, Kazuyuki *et al.* expressly show reflecting surfaces mounted onto rigid non-moveable surfaces. No *prima facie* case for anticipation has been established.

In paper 15, paragraph 6, claims 1 and 21 were rejected under 35 U.S.C. § 103(a) as unpatentable over Watanabe in view of U.S. Patent Number 4,752,808 (Lemelson). Applicant respectfully traverses.

Claim 1 specifies a reflecting surface that can be reoriented to direct light from a video display, through the lenses, instead of light from the scanline being directed through the lenses. Watanabe and Lemelson, individually or combined, do not teach or suggest a reflecting surface that can be reoriented to direct light from a video display, through the lenses, instead of light from the scanline being directed through the lenses.

Watanabe does not teach or suggest a reflecting surface that can be reoriented to direct light from either a scanline or a video display through the lenses. Lemelson does not teach or suggest a reflecting surface that can be reoriented to direct light from either a scanline or a video display through the lenses. In the examiner's arguments in paper 15, page 3, paragraph 6, the examiner merely cites scanning a video display, but does address an reflecting surface that can be reoriented. No *prima facie* case for obviousness has been established.

Claim 21, dependent on claim 20, specifies a surface and a display that are substantially parallel, and a reflecting surface, that can be oriented to a first position, at which light is directed from the display through the lens array, and that can be oriented to a second position, at which light is directed from the surface through the lens array. Applicant's remarks in conjunction with claim 1 apply equally to claim 21. A combination of Watanabe and Lemelson does not teach a reflecting surface that can be reoriented, or a surface parallel to a display from which light can be directed. No *prima facie* case for obviousness has been established.

In paper 15, paragraph 7, claims 1 and 21 were rejected under 35 U.S.C. § 103(a) as unpatentable over Kazuyuki *et al.* in view of Lemelson. Applicant respectfully traverses. Applicant's remarks above in conjunction with claims 1 and 21 in light of Watanabe and Lemelson apply equally to Kazuyuki *et al.* and Lemelson. A combination of Kazuyuki *et al.* and Lemelson does not teach a reflecting surface that can be reoriented, or a surface parallel

to a display from which light can be directed. No *prima facie* case for obviousness has been established.

Entry of this amendment is respectfully requested. This application is considered to be in condition for allowance and such action is earnestly solicited.

Respectfully submitted,

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